

Substitute for form 1449/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/804,761
				Filing Date	March 19, 2004
				First Named Inventor	Hochschuler et al.
				Art Unit	3775
				Examiner Name	Michael J. Araj

Sheet 1 of 20 Attorney Docket Number 3110.22US02

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EXAMINER INITIAL ^a	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number-Kind Code ^{2/(if known)}		
		US- 16,151	12-02-1856	Cole
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		Country Code ^c Number ^d Kind Code ^e (if known)			
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		WO 03/07854 A1	01-30-2003	The Spineology Group	
		EP 0277282 A1	08-10-1988	Sulzer AG	

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		Number-Kind Code ² <i>(if known)</i>			
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		Country Code ³ Number ⁴ Kind Code ⁵ <i>(if known)</i>			
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				Number-Kind Code ^{2/(if known)}	
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Substitute for form 1449/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/804,761
Sheet	9	of	20	Filing Date	March 19, 2004
				First Named Inventor	Hochschuler et al.
				Art Unit	3775
				Examiner Name	Michael J. Araj
				Attorney Docket Number	
				3110.22US02	

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		US- 6,436,143 B1	08-20-2002	Ross et al.
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EXAMINER INITIAL*	Cite No. ¹	Document Number Number-Kind Code ^{2 (if known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
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		US- 6,607,544 B1	08-19-2003	Boucher et al.	
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				Filing Date	March 19, 2004
				First Named Inventor	Hochschuler et al.
				Art Unit	3775
				Examiner Name	Michael J. Araj
Sheet	11	of	20	Attorney Docket Number	3110.22US02
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				Number-Kind Code ² <i>(if known)</i>	
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EXAMINER INITIAL [*]	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
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Sheet 12 of 20				Application Number	10/804,761
				Filing Date	March 19, 2004
				First Named Inventor	Hochschuler et al.
				Art Unit	3775
				Examiner Name	Michael J. Araj
Sheet 12 of 20				Attorney Docket Number 3110.22US02	
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EXAMINER INITIAL [*]	Cite No. ¹	Foreign Patent Document Country Code ⁴ Number ⁵ Kind Code ⁶ (<i>if known</i>)	Publication Date MM-DD-YYYY		Name of Patentee or Applicant of Cited Document
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Application Number	10/804,761
Filing Date	March 19, 2004
First Named Inventor	Hochschuler et al.
Art Unit	3775
Examiner Name	Michael J. Araj

Sheet 13 of 20 Attorney Docket Number 3110.22US02

U.S. PATENT DOCUMENTS

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		Number-Kind Code ² (<i>if known</i>)				
		US- 7,087,082 B2	08-08-2006	Paul et al.		
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		US- 7,393,351 B2	07-01-2008	Woloszko et al.	
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FOREIGN PATENT DOCUMENTS					
EXAMINER INITIAL [*]	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (<i>if known</i>)			
EXAMINER SIGNATURE				DATE CONSIDERED	

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by the two-letter code (WIPO Standard ST 3).³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible.⁵ Applicant is to place a check mark here if English language translation is attached.

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Applicant's unique citation designation number (optional).⁵ See Kindai Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04 "Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3)." For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
Sheet	17	of	20	Application Number	10/804,761
				Filing Date	March 19, 2004
				First Named Inventor	Hochschuler et al.
				Art Unit	3775
				Examiner Name	Michael J. Araj
				Attorney Docket Number	3110.22US02
U.S. PATENT DOCUMENTS					
EXAMINER INITIAL [*]	Cite No. ¹	Document Number Number-Kind Code ^{2/3/known}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
		US- 7,547,317 B2	06-16-2009	Cragg	
		US- 7,547,324 B2	06-16-2009	Cragg et al.	
		US- 7,553,329 B2	06-30-2009	Lambrecht et al.	
		US- 7,553,330 B2	06-30-2009	Lambrecht et al.	
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		US- 7,608,106 B2	10-27-2009	Reiley	
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		US- 7,658,765 B2	02-09-2010	Lambrecht et al.	
FOREIGN PATENT DOCUMENTS					
EXAMINER INITIAL [*]	Cite No. ¹	Foreign Patent Document Country Code ⁴ /Number ⁴ /Kind Code ⁵ <i>(if known)</i>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
				T ⁶	
EXAMINER SIGNATURE			DATE CONSIDERED		

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 ^Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by its two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/804,761
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				Examiner Name	Michael J. Araj
Sheet	18	of	20	Attorney Docket Number	
U.S. PATENT DOCUMENTS					
EXAMINER INITIAL [*]	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number-Kind Code ² <i>(if known)</i>			
		US- 7,662,173 B2		02-16-2010	Cragg et al.
		US- 7,670,379 B2		03-02-2010	Cauthen
		US- 7,682,364 B2		03-23-2010	Reiley et al.
		US- 7,691,145 B2		04-06-2010	Reiley et al.
		US- 7,699,877 B2		04-20-2010	Davison
		US- 7,704,256 B2		04-27-2010	Sand et al.
		US- 7,708,742 B2		05-04-2010	Scribner et al.
		US- 7,713,301 B2		05-11-2010	Bao et al.
		US- 7,717,958 B2		05-18-2010	Cragg et al.
		US- 7,717,961 B2		05-18-2010	Lambrecht et al.
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		US- 7,731,720 B2		06-08-2010	Sand et al.
		US- 7,744,599 B2		06-29-2010	Cragg
		US- 7,749,225 B2		07-06-2010	Chappuis et al.
		US- 7,749,228 B2		07-06-2010	Lieberman
		US- 7,749,267 B2		07-06-2010	Karmon
		US- 7,749,273 B2		07-06-2010	Cauthen, III et al.
		US- 7,749,275 B2		07-06-2010	Lambrecht et al.
		US- 7,753,941 B2		07-13-2010	Keith et al.
FOREIGN PATENT DOCUMENTS					
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		Country Code ⁴ Number ⁵ Kind Code ⁵ <i>(if known)</i>			
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<p>[*]EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> <p>¹Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. "Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3)." For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. "Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible." ²Applicant is to place a check mark here if English language Translation is attached.</p> <p>This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231 DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.</p>					

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				First Named Inventor	Hochschuler et al.
				Art Unit	3775
				Examiner Name	Michael J. Araj
Sheet	20	of	20	Attorney Docket Number	3110.22US02
NON PATENT LITERATURE DOCUMENTS					
EXAMINER INITIAL ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published			
		Application and File History for U.S. Patent Application No. 09/827,202 (now U.S. Patent No. 6,575,978), filed April 5, 2001, Inventors Peterson et al., as available on PAIR at www.uspto.gov .			
		Application and File History for U.S. Patent Application No. 12/503,663, filed July 15, 2009, Inventors Kuslich, as available on PAIR at www.uspto.gov .			
		Application and File History for U.S. Provisional Patent Application No. 60/219,853, filed July 21, 2000, Inventor Kuslich, as available on PAIR at www.uspto.gov .			
		Application and File History for U.S. Provisional Patent Application No. 60/185,323, filed February 28, 2000, Inventor Hochschuler, as available on PAIR at www.uspto.gov .			
		Application and File History for U.S. Provisional Patent Application No. 60/239,217, filed October 10, 2000, Inventor Johnson, as available on PAIR at www.uspto.gov .			
		Application and File History for U.S. Provisional Patent Application No. 60/239,216, filed October 10, 2000, Inventor Johnson, as available on PAIR at www.uspto.gov .			
		Application and File History for U.S. Provisional Patent Application No. 10/440,036 (now U.S. Patent No. 7,226,481), filed May 16, 2003, Inventor Kuslich, as available on PAIR at www.uspto.gov .			
		Application and File History for U.S. Provisional Patent Application No. 11/282,910, filed November 18, 2005, Inventor Kuslich, as available on PAIR at www.uspto.gov .			
		Application and File History for U.S. Provisional Patent Application No. 11/906,755, filed October 3, 2007, Inventor Kuslich, as available on PAIR at www.uspto.gov .			
		Application and File History for U.S. Provisional Patent Application No. 12/624,179, filed November 23, 2009, Inventor Kuslich, as available on PAIR at www.uspto.gov .			
		Application and File History for U.S. Provisional Patent Application No. 60/220,303, filed July 24, 2000, Inventor Hektnar, as available on PAIR at www.uspto.gov .			
		Application No. PCT/US01/22837, filed July 20, 2001, Applicant The Spineology Group, LLC, International Search Report dated March 8, 2002, 1 page.			
		Patent Interference No. 105,252, Kuslich et al. v. Hochschuler et al., Documents Dated November 9, 2004 – February 3, 2005.			
EXAMINER SIGNATURE	/Michael Araj/		DATE CONSIDERED	12/17/2010	
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² Applicant is to place a check mark here if English language Translation is attached.</p> <p>This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.</p> <p>If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.</p>					

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